

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

INTELLUTION, INC.

Petitioner,

v.

MATTHEW J. BESSETTE,
d/b/a INTERLUTION

Registrant.

Cancellation No. 31,134



01-29-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Box TTAB No Fee
Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

**REGISTRANT'S MOTION INVOKING THE TRADEMARK TRIAL AND APPEAL
BOARD'S DISCRETION FOR INVOLUNTARY DISMISSAL FOR FAILURE TO TAKE
TESTIMONY UNDER 37 CFR 2.132**

Registrant, Matthew J. Bessette, d/b/a Interlution, hereby requests that the Trademark Trial and Appeal Board dismiss the subject Cancellation proceeding with prejudice for failure of Petitioner to take testimony.

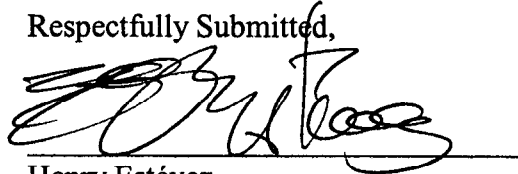
The 30-day testimony period for the Petitioner to take testimony closed on November 19, 2003. During that time period, Petitioner has failed to take any testimony from the Registrant, to demand discovery of any other evidence whatsoever, or to propound any request for admissions by Registrant.

As the 30-day testimony period for the Registrant has also expired, Registrant respectfully requests that the Trademark Trial and Appeal Board invoke it's discretion and grant Registrant's motion for dismissal with prejudice.

Registrant, in its position as defendant, does not waive his rights to offer evidence in the event this motion is denied

Date: January 29, 2004

Respectfully Submitted,



Henry Estévez

Allen, Dyer, Doppelt, Milbrath & Gilchrist,
P.A.

255 South Orange Avenue, Suite 1401

Orlando, Florida 32802

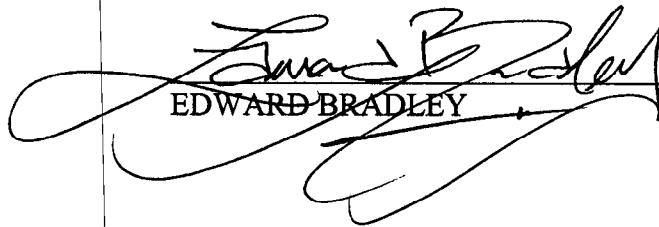
Phone (407) 841-2330

E-mail: hestevéz@addmg.com

Attorney for Registrant

CERTIFICATE OF MAILING

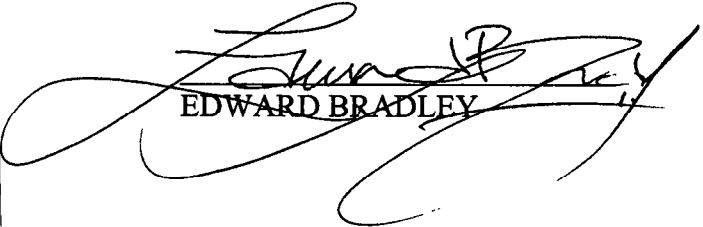
I hereby certify that on January 29, 2004 this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: BOX TTAB, NO FEE, Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.



EDWARD BRADLEY

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2004, this correspondence was mailed as first class mail to Michael A. Albert, Wolf, Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, MA 02210-2211.


EDWARD BRADLEY

ttab

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
TRADEMARK TRANSMITTAL FORM

Registrant: Matthew J. Bessette, d/b/a Interlution
Atty. Docket No.: 24901
Cancellation No.: 31,134

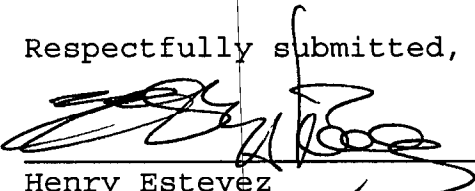
I am enclosing the following documents for filing for the above-noted matter:

- xxxx1.Registrant's Motion Invoking The Trademark Trial And Appeal Board's Discretion For Involuntary Dismissal For Failure To Take Testimony Under 37 CFR 2.132 (in triplicate).
- ____2.Statement of Use Under 37 C.F.R. §2.88 with Declaration.
- ____3.Answer to Notice of Opposition (in triplicate).
- ____4.Combined Declaration of Use / Incontestability under §8&15.
- ____5.Renewal Application.
- ____6.Firm's Check No. _____ in the amount of \$_____.
- xxxx7.Postcard.
- xxxx8.Duplicate copy of this letter.
- ____9._____

Please charge any amounts due or credit any overpayment to our firm's Deposit Account No. 01-0484. We are enclosing a duplicate copy of this letter for that purpose.

Respectfully submitted,

Date: January 29, 2004


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